THE HON'BLE SRI JUSTICE V.V.S.RAO
AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.19307 OF 2003

DATED 15.06.2007

BETWEEN:

Mamillapalli China Koteswara Rao

… Petitioner

AND

The Special Deputy Collector (Tribal Welfare),
Kotaramachandrapuram, Buttaigudem Mandal,
West Godavari District and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO
AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.19307 OF 2003

ORDER: (Per Hon'ble Sri Justice V.V.S.Rao)

In 1985, first respondent initiated action under Section 3(2)(a) of A.P.Scheduled Areas Land Transfer Regulation, 1959 as amended by Regulation 1 of 1970 (hereafter called, the Regulation) in S.R.No.126 of 1985 against the petitioner in respect of the land admeasuring Acs.15.00 in survey Nos.295/2, 266/3(Part) and 297/2 situated at Buttaigudem Village and Mandal in West Godavari District. By order, dated 29.10.1990, first respondent disallowed the complaint for ejectment of the petitioner. However, first respondent issued another notice, dated Nil, in September, 2003 calling upon the petitioner to attend enquiry on 05.09.2003 on an allegation that petitioner is enjoying the land admeasuring Acs.6.45 in R.S.No.266/3 in contravention of the Regulation. Aggrieved by the same, present writ petition is filed seeking its invalidation.

The main contention by the counsel for petitioner is that when proceedings were already dropped under the Regulation, another proceeding in respect of the same land cannot be initiated. As the enquiry is still pending before first respondent, we are of the

considered opinion that petitioner can raise all the grounds before first respondent. Therefore, we disposed of the writ petition directing first respondent to issue fresh notice and conduct enquiry. As and when fresh notice is issued by first respondent, it is open to petitioner to raise all the grounds, which shall be considered by first respondent in accordance with law.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

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(G.V.SEETHAPATHY,J)

15.06.2007
Note: CC by 22.06.2007
(By order)
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